

By email only to: planningpolicy@eastdevon.gov.uk

26th November 2018

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Payhembury Neighbourhood Plan (PNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the PNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214¹ of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

National Planning Policy Framework (2012) and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The

¹ National Planning Policy Framework, paragraph 214

requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the PNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The adopted development plan relevant to the preparation of the Payhembury Neighbourhood Plan area, and the development plan which the PNP will be tested against is the East Devon Local Plan 2013-2031 which was adopted on the 28th January 2016. The document sets out the visions, objectives, spatial strategy and overarching policies to guide development in the area up to 2031.

The Inspector in his final report to EDDC stated that the Council should be prepared to undertake an early review of the Local Plan if new homes are not delivered at the required rate. Gladman notes that background work has begun to inform both the Local Plan Review, and the Greater Exeter Strategic Plan (GESP), and therefore recommends that the PNP be worded as flexibly as possible to reduce any conflicts with the emerging Local Plan Review and GESP. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that:

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).'

Payhembury Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the PNP as currently presented. It is considered that some policies do not reflect the requirements of national policy and guidance and as such Gladman have sought to recommend a series of alternative options that should be explored.

Policy PNP1 – Payhembury Village Settlement Boundary

Policy PNP1 states housing development will be supported within the identified settlement boundary provided it meets a range of criteria.

Gladman object to the use of rigid settlement boundaries if these would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of a settlement boundary to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

Moreover, Gladman note that the policy supports brownfield development adjacent to the settlement boundary. As currently drafted this section of the policy is ambiguous as it does not specify whether greenfield development adjacent to the settlement boundary would also be supported. Gladman encourage the Parish Council to amend this aspect of the policy to allow for both brownfield and greenfield development adjacent to the settlement boundary of a scale commensurate to the settlement.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the PNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,



Gladman Developments Ltd.